

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JOSEPH MICHAEL PIERCE,  
Petitioner,

v.

LORIE DAVIS, Director,  
TDCJ-CID,  
Respondent.

§  
§ CIVIL ACTION NO. 6:17CV668  
§ (Magistrate Judge John D. Love)  
CLERK, U.S. DISTRICT COURT  
RECEIVED  
JUL 25 2018  
EASTERN DIST. OF TEXAS

**MOTION TO LEAVE TO FILE**

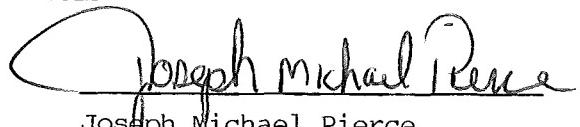
COMES NOW THE PETITIONER, Pro Se, Pursuant to Federal Local Rule CV-7(k), to request permission to leave to file, "Petitioner's Response To Respondent's Answer To Show Cause".

Petitioner deems his response to the Director's Answer is necessary in order to assist the Honorable Magistrate Judge John D. Love to review Petitioner's Pro Se Federal §2254 Habeas Writ. Petitioner is requesting permission to file his Response to the Director Answer because:

1. Petitioner received a copy of the Director's Answer on 06/01/2018.
2. Petitioner filed his motion for extension of time to file his Traverse which he construed as being his response to the Director's Answer, which was placed in the prison mailbox on 06/08/2018.
3. As of July 11, 2018, Petitioner has not received an answer from the Court on his motion requesting extension of time.
4. Petitioner has been working diligently on his response to the best of his ability to assist the Honorable Magistrate Judge in making his decision in whether to Grant Petitioner relief in his Federal Habeas Writ.
5. Petitioner's ineffective assistance claims are meritorious.
6. Mark W. Stiles Unit where Petitioner is housed is under staffed, and could be the reason Petitioner never received a response from his motion for extension of time to file his traverse.
7. Petitioner's family has called the U.S. District Court in Tyler, Texas requesting the status of Petitioner's motion for extension of time and the Clerk informed my mom that it is still pending.
8. Petitioner avers that he will be prejudiced from receiving a fair review of Petitioner's constitutional claims if he denied from filing his reply to the Director's response.

WHEREFORE, Petitioner Prays this Honorable Court Grant Petitioner's Motion to Leave to file his Response to the Director's Answer to Show Cause, and any other just, proper, and appropriate relief.

Respectfully Submitted this 13<sup>th</sup> day of July, 2018.



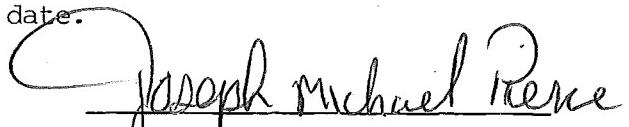
Joseph Michael Pierce,  
TDCJ-CID# 01919200,  
Pro Se.  
Mark W. Stiles Unit  
3060 FM 3514  
Beaumont, Texas 77705

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 13<sup>th</sup> day of July, 2018 I served 1 true and correct copy to the Attorney General's Office at:

ATTORNEY GENERAL'S OFFICE  
P.O. BOX 12548, Capital Station  
AUSTIN, TEXAS 78711-2548  
(512) 936-1400

By submitting same to a designated civilian employee of the Department of Correction for prompt processing and mailing by authorized prison personnel within the facility mailroom, with sufficient first class postage affixed, and it Shall be deemed FILED as of the above date.



Joseph Michael Pierce,  
TDCJ-CID# 01919200,  
Pro Se.